

DON'T BURY THE LEAD

THE OFFICIAL NEWSLETTER OF THE OREGON MORTUARY & CEMETERY BOARD (OMCB)



OMCB MISSION

The mission of the Board is to protect public health, safety, and welfare by fairly and efficiently performing its licensing, inspection, and enforcement duties; by promoting professional behavior and standards in all facets of the Oregon death care industry; and, by maintaining constructive relationships with licensees, those they serve and others with an interest in the Board's activities. In order to protect the public, it is the Board's responsibility to ensure that all of Oregon's death care facilities are properly licensed. The Board is self-supporting and derives its financing from licensing, examination, and a portion of the death certificate filing fee (not the fees derived from the purchase of a certified copy of a death certificate).

We'd like to highlight your facility in an upcoming issue of OMCB's Newsletter! Complete the [Newsletter Facility Spotlight Form](#) to be considered!

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UPCOMING BOARD MEETINGS

Tuesday, October 10th, 2023

- General Session will begin at 9am
- Portland State Office Building, Room 1E
800 NE Oregon Street
Portland, OR 97232

2023 OMCB BOARD MEMBERS

Angela McKenzie-Tucker, President
Cemetery Operator | Portland

Rob Gaskill, Vice-President
Embalmer / Funeral Service Practitioner |
Estacada

Nancy Felton, Secretary/Treasurer
Cemetery Operator | Tigard

Joseph Britton
Public Member | Portland

Ruggiero Canizares
Public Member | Eugene

Craig Collins
Crematory | Portland

Debra C. Harris
Public Member | Portland

Kevin Loveland
Embalmer / Funeral Service Practitioner |
La Grande

Elizabeth Pacheco
Public Member | Merrill

Melissa Porter
Cemetery Operator | Prineville



THINGS TO CONSIDER WHEN AN APPRENTICE INTENDS TO TRANSFER TO A NEW SUPERVISOR

In accordance with [OAR 830-011-0020\(7\)](#), the certificate of apprenticeship must be issued to the applicant as a trainee (apprentice) to a specified licensee (supervisor) in good standing. **When an apprentice ceases to work under a specific licensee, the apprenticeship certificate becomes null and void.**

If the apprentice intends to change the licensee to whom apprenticed, they must immediately file a request for approval of the transfer with the Board by completing and submitting the [Request for Transfer of Apprenticeship form](#) and paying the required fee. A certificate will be reissued upon payment of an administrative charge. The completed form can be sent via email, mail, or fax. There is a \$25 fee associated with a change for each type of apprenticeship. Please contact our office and licensing manager, Ryan Christopher, by email to have an invoice created that can be paid from the apprentice's [Licensee Portal](#) account. Payment can also be sent by mail to our office.

Additionally, it is the responsibility of the supervising licensee to notify the Board's office in writing of any termination in employment or supervision of the apprentice.

It is our policy that the effective date of a transfer of apprenticeship is the day that the Board receives the complete Request for Transfer form, payment, and has confirmed that the proposed supervisor is eligible to supervisor the apprentice.

In an effort to improve efficiency, Board staff are currently working towards revising the Request for Transfer of Apprenticeship form. We will provide more information about this once revised form is finalized.



FUNERAL SERVICE PRACTITIONER (FSP) EXAM TRANSFERS TO THE CONFERENCE

We are extremely pleased to announce that the Funeral Service Practitioner Law Exam has been transferred to The International Conference of Funeral Service Examining Boards (The Conference) and can now be taken nationwide anywhere a Pearson VUE Testing Center is located.

There are four Pearson Vue Testing Center locations in Oregon:

- Beaverton: Park Plaza Executive Building 1 (10700 SW Beaverton Hillsdale Hwy. #595, Beaverton, OR 97005)
- Medford: Pearson Professional Center (3560 Excel Drive #105, Medford, OR 97504)
- Portland: Pearson Vue Professional Center (805 SW Broadway #420, Portland, OR 97205)
- Salem: Pearson Professional Center (2525 12th Street SE, Salem, OR 97301)

If you are eligible and interested in taking the exam, please contact our Office and Licensing Manager, Ryan Christopher, via email (Ryan.Christopher@omcb.oregon.gov) to determine your next steps.

In order to become eligible to take the Funeral Service Practitioner FSP exam, you must:

- Be a qualified applicant for the FSP license, either through an apprenticeship or reciprocity. ([OAR 830-020-0000](#))/([OAR 830-020-0030](#))
- Provide proof of the completion of an associate degree or higher at an accredited school ([OAR 830-011-0020\(5\)](#)) OR proof of four years as a licensed FSP in either Oregon or another state. ([ORS 692.045\(4\)](#))

Once you have been verified as eligible to apply, you will need to submit an exam application and pay the \$140 fee for the FSP exam through [The International Conference's website](#).

In accordance with [OAR 830-011-0020\(13\)](#), Funeral Service Practitioner (FSP) applicants must successfully complete a written examination and receive a score of not less than 75 percent.

Per [ORS 692.070](#), the exam questions include state and federal laws, rules and regulations relating to the care, preparation, disposition and transportation of dead human bodies and relating to survivor death benefits.

In accordance with [OAR 830-011-0040\(1\)](#), a Funeral Service Practitioner (FSP) apprentice may choose to take the exam before completion and certification of their apprenticeship, but may not apply for license as a Funeral Service Practitioner until both the exam is successfully passed and their apprenticeship is completed and verified by the Board.

REQUIREMENTS FOR FACILITY CHANGE OF OWNERSHIP

What constitutes a change of ownership?

According to [OAR 830-040-0040](#), a change of ownership occurs when there is a purchase of a majority of assets or stock of an existing licensed facility, including funeral establishments, immediate disposition companies, cemeteries, crematories, or alternative disposition facilities.

What's required to make this change?

Firstly, the facility must receive approval from OMCB prior to a change of ownership. The prospective new owner is responsible for applying for a new license - it is important to note that licenses issued under ORS 692.146 and 692.275 are not transferable. For more information regarding license applications and to find the most current application forms, please visit our [Facility Licensing webpage](#).

Once appropriate licenses have been acquired and the change of ownership has been approved, both the seller and purchaser must notify the Department of Consumer

and Business Services of the sale and the effective date of the new ownership - if the facility is a certified provider.

What about corporate or partnership licensees?

Corporate licensees (except for publicly traded corporations) are required to notify OMCB in writing when a person intends to acquire or accumulate ownership or control of ten percent or more of any class of stock in a licensed facility, as well as when there is a change of an officer or director.

Partnership licensees need to obtain written approval from OMCB when a person intends to become a general partner or intends to acquire or control ten percent or more of the total investment commitment in a licensed limited partnership. Partnership licensees must also notify the Board in writing when an existing approved partner increases or decreases their investment interest.

Furthermore, individuals, partnerships, corporations, or other legal entities may become co-licensees. Any corporations or partnerships that become co-licensees must comply with the requirements listed above.

Keep in mind:

In accordance with ORS 692.180, the Board may deny a change or acquisition for any of the grounds for which a license may be denied.

Prospective new owners should review [General Principles OAR 830-040-0000 \(3\)-\(5\)](#) regarding facility name usage before completing their license application.



UPDATES TO THE CHANGE OF PRINCIPAL APPLICATION PROCESS

We are in the process of updating the **Change of Principal Application** and wanted to highlight some of the important aspects and requirements whenever there is a change of any principal of a licensed facility.

OAR 830-030-0000(13) requires that the Board must be notified in writing within 30 days of the assignment of any facility manager change:

It is the responsibility of each licensed facility to assign a manager for each facility and to notify the Board in writing within 30 days of the assignment. In the case of funeral establishments and immediate disposition companies, the manager must be an Oregon licensed funeral service practitioner.

In the event of a facility manager change, a new facility license will need to be printed and posted in a conspicuous location for public viewing, as required by OAR 830-040-0000(13):

Facilities must post their facility license and certificates of apprenticeship in a conspicuous location for public viewing.

Managing More than Two Funeral Establishments or Immediate Disposition Companies

OAR 830-030-0000(14) allows for a funeral service practitioner to manage two funeral establishments or two immediate disposition companies, or one of each. With Board approval, a funeral service practitioner may manage more than two funeral establishments or immediate disposition companies, or a combination:

Upon providing written notification to the Board, a funeral service practitioner may be permitted to manage two funeral establishments or two immediate disposition companies, or one of each. A funeral service practitioner

may be authorized by the Board to manage more than two funeral establishments or immediate disposition companies, or a combination of same, upon providing a written request to the Board that describes the basis for the request. The Board may approve the request after consideration of relevant facts or circumstances including, but not limited to, information that the Board may request from the funeral service practitioner.

In accordance with OAR 830-011-0050(2), the Board may deny, suspend or refuse to issue or renew a license or certificate when a condition exists in relation to any principal of a licensed facility which constitutes grounds for refusing to issue or renew a license or certificate or for suspension of a license.

The application fee for each change of principal is \$50. The only exception, in accordance with ORS 692.275(1), are exempt operating cemeteries who are not required to pay the fee for any change of principal other than the cemetery manager.

As a matter of policy, the Board does not charge change of principal fees or conduct background investigations for principals of cemeteries owned or operated by a city, county or special district. However, the Board must be notified upon any change of manager or other principal of these licensed facilities.

Once the manager change has been processed, the updated facility license can be printed from the Facility Portal. A license reissue fee will not be applied unless you request Board staff to print the updated license.

If you have any questions about the change of principal process, please contact Ryan Christopher, our Office & Licensing Manager, via email: Ryan.Christopher@omcb.oregon.gov.

ADDITIONAL INFORMATION

OAR 830-011-0000(41) defines a "Principal" as a person who has controlling authority over the licensed facility, including but not limited to:

- (a) Managers or other persons who have decision-making authority and whose primary duties include control over the operation of the licensed facility;
- (b) Officers or directors who have some degree of responsibility for the operation of the licensed facility;
- (c) General Partners, limited and joint ventures;
- (d) Sole proprietors;
- (e) Stockholders holding a majority of outstanding shares of stock; and
- (f) Members of a Limited Liability Company.

OAR 830-011-0050(1) requires that all principals of a licensed facility must submit to a background investigation. Therefore, all new principals must complete a Background Information Questionnaire.



MOST COMMON INSPECTION VIOLATIONS

1. Written permission for embalming or final disposition missing information

Often missing: time permission was obtained, phone number of authorizing agent, and printed name of the licensee or facility representative acquiring the authorization.

OAR 830-040-0000(7)(g) Written permission for embalming, final disposition and scattering services from the person who has the right to control disposition of the human remains pursuant to ORS 97.130(1) and (2). The record of such authorization must include at a minimum: printed name, signature and phone number of the authorizing agent and relationship to the deceased, date and time permission was obtained, and printed name and signature of the licensee or facility representative acquiring the authorization.

2. Receipt for cremated remains missing information

Often missing: the date of delivery of the cremated remains and printed name or signature of the licensee or the licensee's representative releasing the cremated remains.

OAR 830-040-0000(9) If cremated remains are not retained by the licensee accepting initial responsibility for the remains, the licensee must, upon delivery of such cremated remains to another individual, obtain a signed receipt from that individual. The receipt must include as a minimum: printed name of the individual receiving the cremated remains, the name of the deceased, and the date of delivery of the cremated remains, the receiving individual's signature and the printed name and signature of the licensee or the licensee's representative releasing the cremated remains.

3. Refrigeration unit not in good operating condition

Often missed: unit not maintaining 36 degrees F. or less or thermometer on unit not functioning properly.

OAR 830-040-0020(6) All facilities must have a mortuary or hospital refrigeration unit available which is suitable for the storage of human remains. The refrigeration unit must be in good operating condition and must be maintained in a sanitary condition at all times. The refrigeration must be no more than 45 miles from the licensed facility and must comply with all death care laws.

OAR 830-030-0010(1) All human remains that will be embalmed must be disinfected by approved disinfecting solutions in such manner to help eliminate the danger of spreading diseases or infection. All human remains that are not going to be embalmed must be wrapped in a sheet. If human remains are to be held longer than 24 hours, the remains must, at minimum, either be embalmed or refrigerated at 36 degrees F. or less until final disposition.

MOST COMMON INSPECTION VIOLATIONS (CONT'D)

4. FSP and Embalmer Apprentice Logs missing information

Often missing: supervisor's written confirmation (both) and specific competency demonstrated (FSP).

OAR 830-011-0020(2)(b) An apprentice embalmer must maintain a log book of embalmings under supervision, with accurate and current entries, and the apprentice and his or her supervisor must furnish this record to the Board upon request. The apprentice may use a supplemental page to log any arrangements or other competencies performed at an alternate facility as directed by their supervisor. Such page must be brought back and included in the log at the end of that specific assignment. The log book must be retained for a period of one year after full licensure as an embalmer, or, if not licensed as an embalmer, for six years after the last log entry and must include the following:

- (A) Name of the deceased;
- (B) Date of death;
- (C) Date and place of embalming;
- (D) Name of licensed facility making the embalming arrangements;
- (E) Supervisor's written confirmation for each embalming performed by their apprentice; and
- (F) Number of hours worked per week.

OAR 830-011-0020(3)(a) An apprentice funeral service practitioner must keep a log book on the premises of the licensed facility where he or she is supervised, showing all arrangements made or participated in by the apprentice. The apprentice may use a supplemental page to log any arrangements or other competencies performed at an alternate facility as directed by their supervisor. Such page must be brought back and included in the log at the end of that specific assignment. The apprentice, under supervision, must make accurate and current entries. The apprentice and his or her supervisor must furnish the log book to the Board upon request.

(b) The log book must be retained for a period of one year after licensure as a funeral service practitioner, or, if not licensed, for six years from the last log entry, and must include the following:

- (A) Name of deceased and person authorizing final disposition arrangements;
- (B) Date of death;
- (C) Date and place arrangements were made;
- (D) Description of apprentice's direct participation with family;
- (E) Number of days and hours worked per week;
- (F) Specific competency demonstrated;
- (G) Supervisor's written confirmation for each arrangement made by their apprentice; and
- (H) Name of the licensed facility responsible for the final disposition arrangements.

5. Holding/Prep Room entry door signage not in compliance

Often missed: sign verbiage incorrect and/or not permanently affixed to the door.

OAR 830-040-0020(2)(c) The room must be private and the entry door must be locked at all times. The entry door must be labeled as "private" or "authorized entry only". This sign must be conspicuous and readable and must be permanently affixed to the door. The lettering on the sign must not be smaller than one inch high.



RECENT DISCIPLINARY ACTIONS

The Board took action against a crematory for violations of OAR 830-030-0040(6), OAR 830-030-0000(5)(a), and OAR 830-030-0090(2) for performing a cremation after a crematory operator changed the number on the Final Disposition Authorization to be consistent with the number on the decedent's State ID disc, resulting in a civil penalty of \$500.

The Board took action against a funeral establishment and a Funeral Service Practitioner (FSP) for violation of ORS 97.130(2) for directing a cremation with an authorization form signed by an unauthorized person (stepmother), resulting in civil penalties of \$100.

The Board also took action against the funeral establishment manager for violation of OAR 830-030-0090(2), resulting in a civil penalty of \$100.

The Board took action against a funeral establishment for violation of OAR 830-030-0090, OAR 830-030-0090(1)(b) and OAR 830-030-0100(1) for not providing transportation from the place of death for a decedent, thus failing to fulfill a preneed contract at the time of need, resulting in a civil penalty of \$2,000.

The Board took action against a Funeral Service Practitioner (FSP) for violation of ORS 692.180(1), OAR 830-050-0050(1), and ORS 670.280(3), as a response to a conviction of Criminally Negligent Homicide, resulting in a partial suspension of licensed death care industry activity for the duration of the FSP's criminal probation.

The Board took action against a funeral establishment for violation of ORS 432.133(2)(c) for not requesting medical certification (required for disposition) until 11 days after death, resulting in a civil penalty of \$1,000.

The Board also took action for violation of OAR 830-030-0090(2) in that principals are responsible for the actions of employees related to the operation of a licensed facility, resulting in a civil penalty of \$1,000.

The Board took action against a funeral establishment for violation of OAR 830-030-0090(4)(g) for taking approximately 18 days after a death to confirm the decedent had prepaid for cremation arrangements, resulting in a civil penalty of \$1,000.

The Board took action against a Funeral Service Practitioner (FSP) for violation of OAR 830-030-0090(4)(h) for providing false information on a facility record by signing he had acquired a signature on a Written Permission For Final Disposition" form when he had not, resulting in a civil penalty of \$100.

The Board took action against a second Funeral Service Practitioner (FSP) for violation of OAR 830-030-0090 (4) (e) for aiding and abetting the above violation, resulting in a civil penalty of \$100. The Board also took action for violation of OAR 830-030-0090(4)(h) for providing false information on a facility record by entering the name of a person with no right to control disposition as "Signature of person with the right to control disposition", resulting in a civil penalty \$100.

The Board took action against the funeral establishment employing the above two FSPs for the following violations: OAR 830-040-0000 (7) for having inaccurate facility records regarding the above falsified documents, resulting in a civil penalty of \$100.

OAR 830-030-0090 for interring a decedent in without a signed authorization from any person listed in ORS 97.130(2), resulting in a civil penalty of \$100.

OAR 830-030-0090(2) for Principals being responsible for the actions of their employees, resulting in a civil penalty of \$500.

The Board took action against a funeral establishment for violation of OAR 830-030-0090(1)(b) for misplacing cremated remains, resulting in a civil penalty of \$1,000.

The Board took action against the facility manager for violation of OAR 830-030-0090(2) for principals being responsible for the actions of their employees related to the operation of a licensed facility, resulting in a civil penalty of \$500.



RECENT DISCIPLINARY ACTIONS (CONT'D)

The Board took action against a crematory for violation of the following:

1. OAR 830-030-0000(6) for an employee not properly securing a decedent's ID disc to the receptacle when the employee delivered the remains to the facility, resulting in a civil penalty of \$500.
2. OAR 830-030-0040(6) for an employee failing to confirm immediately prior to placing the decedent within the cremation chamber, the identification of the decedent by verifying that the number of the ID disc was the number recorded on the final disposition permit. The employee also failed to attach the ID disc to the outside of the cremation chamber until the cremation process was complete, resulting in a civil penalty of \$1,000.
3. OAR 830-030-0000(7) for an employee signing the Final Disposition Authorization (FDA) intended to verify that the number on the ID disc was the number recorded on the final disposition permit, but not making the verification, resulting in a civil penalty of \$500.
4. OAR 830-030-0090(4) for falsifying the Final Disposition Authorization (FDA) in the facility records was falsified, resulting in a civil penalty of \$500.
5. OAR 830-030- 0090(4)(g) for an employee signing the Final Disposition Authorization (FDA) with an incorrect cremation date, resulting in a civil penalty of \$500.



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